

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRUCE R. MERRYMAN	§	
VS.	§	CIVIL ACTION NO. 1:20-cv-392
LORIE DAVIS, ET AL.	§	

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Bruce R. Merryman, a prisoner confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Lorie Davis, Aaron Thompkins, and Lieutenant Brown.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying Plaintiff's Motions for Class Certification.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Report and Recommendation.


The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff's Complaint was limited to claims concerning the Defendants' early response to the COVID-19 pandemic. In his objections, Plaintiff seeks class certification to pursue wide-ranging claims concerning the conditions of confinement throughout the Texas prison system, but those claims are not related to the subject matter of this

action. After careful consideration, the court concludes the objections are without merit and the Motions for Class Certification should be denied.

ORDER

Accordingly, Plaintiff's objections (doc. #115) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (doc. #105) is **ADOPTED**. Plaintiff's Motions for Class Certification (doc. #43 and doc. #94) are **DENIED**.

SIGNED this the **28** day of **September, 2022**.


Thad Heartfield
United States District Judge